

## **IC 14-12-2**

### **Chapter 2. Indiana Heritage Trust Program**

#### **IC 14-12-2-1**

##### **Purpose of program**

Sec. 1. (a) The purpose of the Indiana heritage trust program and this chapter is to acquire real property or interests in real property that:

- (1) is an example of outstanding natural features and habitats;
- (2) has historical and archeological significance; and
- (3) provides areas for conservation, recreation, and the restoration of native biological diversity.

(b) The Indiana heritage trust program shall acquire real property for new and existing state parks, state forests, nature preserves, fish and wildlife areas, wetlands, trails, and river corridors. The program shall ensure that Indiana's rich natural heritage is preserved or enhanced for succeeding generations.

(c) It is not the purpose of the Indiana heritage trust program to acquire property for resale to the federal government. However, the sale of property acquired under this chapter to the federal government is not prohibited.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-2**

##### **"Fund" defined**

Sec. 2. As used in this chapter, "fund" refers to the Indiana heritage trust fund established by this chapter.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-3**

##### **"Person" defined**

Sec. 3. As used in this chapter, "person" means an individual, a partnership, an association, a limited liability company, a corporation, an estate, a trust, or a governmental entity.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-4**

##### **"Project" defined**

Sec. 4. As used in this chapter, "project" means an undertaking that:

- (1) furthers the purposes of this chapter;
- (2) involves the acquisition of property for new and existing state parks, state historic or archeological sites, state forests, nature preserves, fish and wildlife areas, wetlands, trails, or river corridors; and
- (3) is eligible to receive an expenditure from the fund.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-5**

##### **"Project committee" defined**

Sec. 5. As used in this chapter, "project committee" refers to the Indiana heritage trust project committee established by this chapter.  
*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-6**

##### **"Property" defined**

Sec. 6. As used in this chapter, "property" means an interest in real property. The term includes the following:

- (1) Ownership in fee simple.
- (2) Conservation easements.
- (3) Leaseholds.
- (4) Management rights.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-7**

##### **"Trust committee" defined**

Sec. 7. As used in this chapter, "trust committee" refers to the Indiana heritage trust committee established by this chapter.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-8**

##### **Trust committee; establishment and members**

Sec. 8. (a) The Indiana heritage trust committee is established.

(b) The trust committee consists of the following seventeen (17) members:

- (1) The twelve (12) members of the natural resources foundation under IC 14-12-1-5.
- (2) Two (2) members of the senate appointed by the president pro tempore of the senate with advice from the minority leader of the senate.
- (3) Two (2) members of the house of representatives appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.
- (4) The treasurer of state or the treasurer's designee.

*As added by P.L.1-1995, SEC.5. Amended by P.L.181-1995, SEC.1.*

#### **IC 14-12-2-9**

##### **Trust committee; chairman**

Sec. 9. The chairman of the foundation is the chairman of the trust committee.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-10**

##### **Trust committee; meetings**

Sec. 10. The trust committee shall meet at least annually and at the call of the chairman.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-11**

##### **Trust committee; quorum**

Sec. 11. (a) Nine (9) voting members of the trust committee constitute a quorum.

(b) The affirmative vote of nine (9) of the members of the trust committee is necessary for the trust committee to take any action.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-12**

##### **Trust committee; purpose**

Sec. 12. The purpose of the trust committee is to determine whether proposed projects under this chapter should be approved and to perform other duties given to the trust committee by this chapter.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-13**

##### **Trust committee; budget**

Sec. 13. Based upon recommendations from the project committee, the trust committee shall, before the end of each state fiscal year, prepare a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures from the fund to accomplish the projects that have been approved by the governor under this chapter. The budget shall be submitted to the governor.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-14**

##### **Project committee; establishment and members**

Sec. 14. (a) The Indiana heritage trust project committee is established.

(b) The project committee consists of the following sixteen (16) members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- (5) The director of the division of outdoor recreation.
- (6) The director of the division of state museums and historic sites.
- (7) Ten (10) individuals appointed by the governor. The governor shall appoint individuals so that all the following are satisfied:
  - (A) The individuals must be residents of Indiana.
  - (B) The individuals must have a demonstrated interest or experience in:
    - (i) conservation of natural resources; or
    - (ii) management of public property.
  - (C) Each Indiana congressional district must be represented by at least one (1) individual who is a resident of that congressional district.
  - (D) The individuals must represent the following:
    - (i) The environmentalist community.

- (ii) The academic community.
- (iii) Organized hunting and fishing groups.
- (iv) The forest products community.
- (v) The parks and recreation community.

*As added by P.L.1-1995, SEC.5. Amended by P.L.170-2002, SEC.92.*

#### **IC 14-12-2-15**

##### **Project committee; terms of members**

Sec. 15. (a) As used in this section, "member" refers to a member of the project committee under section 14(b)(7) of this chapter.

(b) The term of a member begins on the later of the following:

(1) The day the term of the member who the individual is appointed to succeed expires.

(2) The day the individual is appointed by the governor.

(c) The term of a member expires July 1 of the second year after the member is appointed. However, a member serves at the pleasure of the governor.

(d) The governor may reappoint a member for a new term.

(e) The governor shall appoint an individual to fill a vacancy among the members.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-16**

##### **Project committee; chairman**

Sec. 16. The governor shall appoint the chairman of the project committee from among the members of the committee.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-17**

##### **Project committee; meetings**

Sec. 17. (a) The project committee shall meet at least quarterly and at the call of the chairman.

(b) The project committee may convene a meeting at any location in Indiana.

(c) The project committee shall plan and conduct meetings in a manner that promotes broad public participation and ensures that the views of the members of the public attending the meetings may be fairly presented.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-18**

##### **Project committee; quorum**

Sec. 18. (a) Nine (9) members of the project committee constitute a quorum.

(b) The affirmative vote of nine (9) members of the project committee is necessary for the project committee to take any action.

(c) A member of the project committee who is a division director may designate in writing a representative from the respective division of the department to serve as a member of the project committee when the member of the project committee is unable to

attend a meeting.  
*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-19**

##### **Project committee; purpose**

Sec. 19. The purpose of the project committee is to do the following:

- (1) Propose projects to the trust committee under this chapter.
- (2) Provide technical advice and assistance to the trust committee.
- (3) Before the end of each state fiscal year, propose a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures to accomplish projects that have been approved by the governor under this chapter. The proposed budget shall be submitted to the trust committee.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-20**

##### **Per diem compensation and traveling expenses**

Sec. 20. (a) As used in this section, "member" refers to a member of the following:

- (1) The trust committee.
- (2) The project committee.

(b) Each member who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-21**

##### **Procedure for acquisition of property**

Sec. 21. (a) The following procedure must be followed before the department may acquire property under this chapter:

- (1) The project committee must propose a project to the trust committee.
- (2) The trust committee must approve the project proposed by

the project committee, with or without modifications, and recommend the project to the governor for approval.

(3) The governor must approve the project as recommended by the trust committee and inform the director of the department of the governor's approval.

(b) When the procedure under subsection (a) is completed, the department shall acquire the property subject to the project according to Indiana law.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-22**

##### **Management of property**

Sec. 22. Property acquired by the state under this chapter may be managed by any of the following:

(1) The department.

(2) A person with whom the department enters into a management agreement under rules adopted under section 34 of this chapter.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-23**

##### **Eminent domain precluded**

Sec. 23. Eminent domain may not be used to acquire property under this chapter.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-24**

##### **Strategic plan**

Sec. 24. The trust committee shall, with the assistance of the project committee and the department, adopt and make available to the public a strategic plan to implement the purposes of this chapter.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-25**

##### **Fund; establishment**

Sec. 25. (a) The Indiana heritage trust fund is established for the purpose of purchasing property as provided in this chapter.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Interest as provided in subsection (e).

(3) Fees from environmental license plates issued under IC 9-18-29.

(4) Money donated to the fund.

(5) Money transferred to the fund from other funds.

(c) The department shall administer the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues

from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-26**

##### **Fund; accounts**

Sec. 26. The following accounts are established within the fund:

(1) The state parks account. Money in this account may be used only to purchase property for state park purposes.

(2) The state forests account. Money in this account may be used only to purchase property for state forest purposes.

(3) The nature preserves account. Money in this account may be used only to purchase property for nature preserve purposes.

(4) The fish and wildlife account. Money in this account may be used only to purchase property for fish or wildlife management purposes.

(5) The outdoor recreation account. Money in this account may be used only to purchase property for outdoor recreation, historic site, or archeological site purposes.

(6) The stewardship account. Money in this account may be used only for the following purposes:

(A) Maintenance of property acquired under this chapter.

(B) Costs of removal of structures, debris, and other property that is unsuitable for the intended use of the property to be acquired.

(C) Costs of site preparation related to any of the following:

(i) The public use of the property, such as fences, rest rooms, public ways, trails, and signs.

(ii) Protecting or preserving the property's natural environment.

(iii) Returning the property to the property's natural state.

(D) Not more than ten percent (10%) of the money in the account for the promotion of the purposes of the Indiana heritage trust program.

(7) The discretionary account. Subject to section 31 of this chapter, money in this account may be used for any purpose for which the accounts listed in subdivisions (1) through (6) may be used.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-27**

##### **Fund allocations to stewardship account**

Sec. 27. Five percent (5%) of the money appropriated to the fund shall be allotted to the stewardship account established by section

26(6) of this chapter.  
*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-28**

##### **Fund; other allotments**

Sec. 28. After the allotment required under section 27 of this chapter has been made, the following allotments shall be made:

- (1) Ten percent (10%) of the balance shall be allotted to each account listed in section 26(1) through 26(5) of this chapter.
- (2) Fifty percent (50%) of the balance shall be allotted to the account listed in section 26(7) of this chapter.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-29**

##### **Fund; balance in accounts not reverting to fund**

Sec. 29. The balance in an account listed in section 26 of this chapter on June 30 of a year does not revert to the fund on the following July 1.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-30**

##### **Fund; use of money in accounts**

Sec. 30. (a) Money in the accounts of the fund, other than the stewardship account, may be used for the following:

- (1) Acquisition costs, such as costs of surveying, title insurance, and other activities associated with the transfer of title to property.
- (2) Costs of services and expenses related to acquisition, such as engineering, appraisal, environmental, accounting, project development, and legal services and expenses.

(b) Money in the fund may not be used for the following:

- (1) The costs of construction of structures other than those authorized under section 26(6) of this chapter.
- (2) The costs of removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98).
- (3) The costs of wastewater treatment.

*As added by P.L.1-1995, SEC.5. Amended by P.L.1-1996, SEC.62.*

#### **IC 14-12-2-31**

##### **Fund; matching money or value for expenditures**

Sec. 31. (a) As used in this section, "eligible cost" refers to a cost listed in section 30(a) of this chapter.

(b) Expenditures from the discretionary account may only be made to the extent that, for every three dollars (\$3) to be expended from that account for an approved project, at least one dollar (\$1) in matching money or value is provided for an approved project from nonstate sources or from the foundation.

(c) In determining whether sufficient matching money or value has been provided, the trust committee shall consider the following



to be matching value:

- (1) The value, as determined by the trust committee, of property and eligible costs related to the acquisition donated to the department for an approved project.
- (2) The value, as determined by the trust committee, of improvements to property in an approved project, such as reforestation, reclamation, and other efforts that, in a manner satisfactory to the trust committee, preserve the property or restore the property to a more natural state.
- (3) The value, as determined by the trust committee, of the dedication of, other restriction on, or improvements to property adjoining an approved project for conservation purposes, in a manner satisfactory to the trust committee.
- (4) The value, as determined by the trust committee, of other real property:
  - (A) held by a nonprofit corporation, the federal government, or local government; and
  - (B) used for the benefit of property in an approved project, with restrictions on the use of the property, such as dedication as a nature preserve, in a manner satisfactory to the trust committee.
- (5) Distributions of federal revenues directly to the fund or through the state that are used for an approved project.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-32**

##### **Fund; coordination of expenditures**

Sec. 32. Expenditures from the fund shall be coordinated with expenditures by the foundation from the Indiana natural resources fund established by IC 14-12-1-11.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-33**

##### **Annual report**

Sec. 33. Before October 1 of each year, the trust committee shall prepare a report concerning the program established by this chapter for the public and the general assembly. A report prepared for the general assembly must be in an electronic format under IC 5-14-6.

*As added by P.L.1-1995, SEC.5. Amended by P.L.28-2004, SEC.126.*

#### **IC 14-12-2-34**

##### **Adoption of rules**

Sec. 34. The commission may adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.1-1995, SEC.5.*

#### **IC 14-12-2-35**

##### **Fish and wildlife land acquisition stamps**

Sec. 35. (a) The department shall produce and make available for sale a voluntary fish and wildlife land acquisition stamp.

(b) The department shall determine the form and design of the stamp. A new design shall be adopted for the stamp each year.

(c) The stamp shall be:

(1) offered for sale by the department; and

(2) distributed to license agents authorized to sell licenses under IC 14-22 for sale by those agents.

(d) The price of each stamp is five dollars (\$5). A license agent who sells a stamp may charge and retain an additional fifty cents (\$0.50) as a fee for selling the stamp.

(e) A license agent selling stamps under this section shall, not later than five (5) days after the close of each quarter:

(1) report to the director of the department:

(A) the number of stamps sold by the agent during the preceding quarter; and

(B) the number of unsold stamps remaining in the possession of the agent; and

(2) remit all money collected for the stamps, minus the fees provided for in subsection (d), to the department.

(f) The money collected by the department from the sale of the stamps shall be deposited in the fish and wildlife account established within the Indiana heritage trust fund by section 26(4) of this chapter.

*As added by P.L.182-1995, SEC.1.*